



REPORT

To: Chair and Directors

Report Number: DS-BRD-134

From: Kathy Suggitt, General Manager of Development Services

Date: March 25, 2021

Subject: Zoning Amendment Bylaw No. 2435, 2021 PRRD File No. 21-004 ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 2435, 2021 to rezone the subject property identified as PID 011-552-018 from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone), first and second readings; further,

That a public hearing, delegated to the Electoral Area C Director, be held pursuant to the *Local Government Act* Section 464(1) and public notification be authorized pursuant to the *Local Government Act* Section 467.

BACKGROUND/RATIONALE:

Proposal

To rezone the subject property from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone) within PRRD Zoning Bylaw 1343, 2001.

File Details

Owner: Suzanne McKenzie and Michelle Hockney
Area: Electoral Area C
Location: Charlie Lake
Legal: Lot 1 Section 8 Township 84 Range 19 W6M Peace River District Plan 17183
PID: 011-552-018
Civic Address: 12733 Charlie L Hall Ave
Lot Size: 0.4 ha (0.99 ac)

Background

An investigation into the subject property's records revealed that the existing residential use on the property, without the presence of any commercial uses, is considered existing non-conforming.

- At the time the manufactured home and the shed were put up, PRRD Zoning Bylaw No. 1000, 1996 was in effect for the subject property
- Pursuant to PRRD Zoning Bylaw No. 1000, 1996 the subject property was zoned Highway Commercial (HC).
- In the HC zone, a dwelling unit is a permitted principal use.

Therefore, the structures, currently, are not in contravention of the zoning bylaw. However, the manufactured home and shed cannot be replaced and no new residential structures can be constructed, otherwise it would be in contravention of the PRRD Zoning Bylaw No. 1343, 2001.

Site Context

The subject property is located in the community of Charlie Lake, to the west of Highway 97N. The subject property is surrounded by residential use in the south and commercial uses in the north, west and east.

Site FeaturesLand

Based on the aerial imagery, the subject property is treed except the north-east quadrant of the lot which is cleared and has a manufactured home.

Structures

Currently, there is one residence and one temporary shed on the subject property.

Access

The subject property is accessed by Charlie L. Hall Ave.

Comments & ObservationsApplicant

The subject property has always been used for residential purposes. The applicants now intend to sell the subject property, however, the purchaser is unable to obtain proper financing because the property is zoned commercial. Hence, the applicants would like to rezone the subject property to recognize the existing residential use of the property.

Agricultural Land Reserve (ALR)

The subject property is outside the Agricultural Land Reserve.

Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the subject property is designated Settlement Centre (SC). Section 5 Policy 1 states that residential use is one of the principal uses of land within this designation, subject to residential land use designations specified in Section 4 of the OCP.

Therefore, the proposal is consistent with the Official Community Plan.

Land Use Zoning

Pursuant to Zoning Bylaw No. 1343, 2001, the subject property is zoned C-2 (General Commercial Zone). Section 42 states residential land use is not a permitted principal use within this zone.

Therefore, a zoning amendment to R-2 (Residential 2 Zone) is required for the subject property.

Fire Protection Area

The subject property is within the Charlie Lake Fire Protection Area.

Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area.

Development Permit Area

The subject property is within the Commercial Development Permit Area No. 1 pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009. A Development Permit will be required prior to building construction.

Development Cost Charge Area

The subject property is within the Development Cost Charge Area. However, the charge is not applicable at this time because no subdivision or building construction is proposed.

School District 60 School Site Acquisition Charge Area

The subject property is within the School District 60 School Site Acquisition Charge Area. However, the charge is not applicable at this time because no new subdivision or residential development is proposed.

Impact Analysis**Context**

The proposed R-2 (Residential 2 Zone) is consistent with the surrounding context as the area is a mix of commercial and residential zones. There are many residential lots to the west of the subject property. The rezoning is required to recognize the existing residential use.

Population & Traffic

No change in population or traffic is expected.

Sewage & Water

The subject property is currently connected to the Charlie Lake Sewer System, which will be the source of sewage disposal in future too. The subject property currently has a cistern where the water is hauled-in and will remain the same for future water supply to the subject property.

Comments Received from Municipalities & Provincial Agencies**Ministry of Transportation and Infrastructure**

In support of the proposal. If the proposed rezoning is not successful, the owner is required to apply online for a commercial access permit.

Agricultural Land Commission

No objections.

Charlie Lake Fire Department

Interests unaffected.

City of Fort St. John

No concerns.

ALTERNATIVE OPTIONS:

1. That the Regional Board give Zoning Amendment Bylaw No. 2435, 2021, to rezone the subject property identified as PID 011-552-018 from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone), first and second readings; further,

That a public hearing be waived pursuant to the *Local Government Act* Section 464(2) and public notification be authorized pursuant to the *Local Government Act* Section 467.

2. That the Regional Board refuse to give Zoning Amendment Bylaw No. 2435, 2021, to rezone the subject property identified as PID 011-552-018 from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone), first and second readings.
3. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Regional Board's decision will be communicated to the applicant.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Maps
2. Application
3. Comments Received from Municipalities & Provincial Agencies
4. Comments Received from Electoral Area Director
5. Section 35 of PRRD Zoning Bylaw No. 1343, 2001
6. Draft Zoning Bylaw No. 2435, 2021